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C O N F I D E N T I A L STATE 051374

SIPDIS

E.O. 12958: DECL: 05/19/2010
TAGS: GR ECON EWWT KCRM MARR PBTS PGOV PHSA PREL
SUBJECT: DEMARCHE - GREEK PROSECUTION OF SUSPECTED M/V
AMIRA PIRATES

REF: STATE 50885

Classified By: Acting PM A/S Greg Delawie, E.O 12958, 1.4(b) and (d)

SUMMARY

¶11. Department requests that Embassy approach the Government of Greece (GOG) at the highest appropriate level to gauge GOG's willingness to accept for prosecution 17 suspected pirates, currently in the custody of the U.S. Navy, for the piratical attack on May 13 of the bulk carrier M/V AMIRA, the beneficial owner of which is the Greek company Chandris Group. We are asking the same of Embassy Cairo; Egypt actually has the stronger nexus to the case, but we believe Greece should be approached as well.

OBJECTIVES

¶12. Post should outline to GOG the significant connections between Greece and the M/V AMIRA and inquire whether GOG is interested in exercising jurisdiction over the suspects currently in custody aboard the USS GETTYSBURG. Post should attempt to gauge GOG's level of interest (including jurisdiction under current Greek law) regarding prosecution of suspects and whether Greece is interested in working with the United States to resolve this matter in a manner that ensures that the suspects are brought to justice.

¶13. If Greece expresses interest in exercising jurisdiction, post should express appreciation for Greece's willingness to work with the United States on this matter and note that we will be in communication shortly regarding further details on how we might be able to arrange for the transfer of custody on mutually acceptable terms.

¶14. In the event that Greece does not express interest in exercising jurisdiction, post should inquire as to the reasons why GOG is unwilling or unable to exercise jurisdiction in this case, i.e., what kind of cases would Greece be willing to favorably consider - only those involving Greek-flagged vessels, or those on which there are crew of Greek nationality? Is beneficial ownership not sufficient under Greek law or policy to justify prosecution? Emphasize the importance of shared responsibility in the international community's response to the problem of piracy, and reiterate the USG view that affected states should, where possible, prosecute suspected pirates that attack their interests.

REPORTING DEADLINE

¶15. Post should report results of the demarche by cable and by email by May 21 to PM/PPA Donna Hopkins,

BACKGROUND

¶6. USS GETTYSBURG is holding 17 suspected pirates seized from the attempted pirating on May 13 of the Egyptian-flagged, Greek-owned bulk carrier M/V AMIRA, which had on board 20 Egyptian and 1 Romanian crewmembers and 3 UK security guards. M/V AMIRA was attacked in international waters by men in a skiff operating from a mother ship, reportedly registered in Puntland, Somalia. The 17 suspects, all of whom are believed to be Somali, were taken from both the mother ship and the skiff. The embarked U.S. Coast Guard Law Enforcement Detachment aboard GETTYSBURG reports a strong evidentiary case for prosecution, including witness statements, video, photographs, seized vessels, weapons, ammunition, and boarding paraphernalia.

¶7. The United States believes that states affected by piracy have a responsibility to prosecute suspected pirates in their domestic courts. Several countries have interests in the case (Egypt, Greece, Romania, and the UK), but because of Greece's beneficial ownership of the vessel, the United States wants to gauge GOG's interest in prosecuting the 17 suspects in Greek court.

CLINTON